THE CALIFORNIA MINES.

Tuesday, September 24, 1850.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill to make temporary provision for the working and discovery of gold mines and placers in California, and preserving order in the gold mine districts.

Mr. EWING. I have examined this bill with some care, and I approve of its general features. My attention has been called to this subject for some time past, and I have obtained all the information I could, with regard to it. I have corresponded somewhat extensively with prevention California and sponded somewhat extensively with persons in California, and I have examined the books relating to the conduct of Spanish miners, both in Spain and America. I find that in both countries the management has been similar in one particular. All of their mines which have been worked, and respecting which any thing bear here were the party bear here have been within any thing which any thing which any thing have been written in the second of the secon which any thing have been written, have been mines in dikes or lodes, where they were obliged to work the mines with machinery in order to excavate the rocks. There are some few amendments which I would like to see made in this bill. Perhaps they may meet the approbation of the Senators from California, and if they do not, they will doubtless give reasons which will satisfy me that the present plan of the bill should be retained and the controllers.

which will satisfy me that the present plan of the bill should be retained, and the amendments rejected.

The first amendment which I propose is, to strike out from the third section the words, "That a permit to work a placer shall be for thirty feet square; and for a mine 210 feet square, all the lines to be cardinal points," and insert a substitute.

The placers, especially in the wet diggings, generally border upon streams of water. When they border on these streams, I think thirty feet in width is too great for one man to occupy, and that the portion of ground allowed him ought to be narrower and deeper, or to extend further back from the stream. The quantity of land allowed to a miner is not too large; but instead of having it thirty feet square, I would suggest that he shall have a quantity not exceeding nine hundred square feet, and that it be laid off under the direction of one of the agents of the mines. In that manner, I think, one of the agents of the mines. In that manner, I think, more individuals can be accommodated, and to better advantage to themselves. I would also suggest that there be an more individuals can be accommodated, and to better advantage to themselves. I would also suggest that there be an amendment in the provision relating to the mines which are worked in the lode or dike in the rock. The provision of the bill is, that the mine shall be two hundred and ten feet square. No more than that is to be granted to the miner who is to work his mine by machinery. If he work by machinery, I think he will require more room. There is usually a great deal of water land around these mines, where the gold is found in lodes or dikes, not more than two or three feet in thickness. The dike, or lode of quartz rock which contains the gold, is generally vertical, or inclined at a very high angle of elevation, as its line of strike is regular in a direction to be ascertained by enumeration, which a geologist on the spot would easily understand. Now, the man or the company who works a mine ought to have land enough on each side of the two hundred and ten feet square to give elbow room. They ought to be limited to the extent to which the lode shall be pursued, and should be allowed to pursue it to a reasonable extent in such a direction as it strikes. I would, therefore, medify that provision, and leave the matter some-

leasing her mines, or nearly that. They suffered an individual who discovered a mine, or who owned a mine, to put down a stake within the land he was to occupy as his own, tion and inserting what I will read:

Mr. GWIN. I think that is too large a grant. If the Semator had seen the result of the diggings on six feet square, in some cases, I presume he would not propose so large a quantity. However, I will leave these details of the bill to

temporary bill; and if we now give too large a quantity of lands, we may exclude many individuals from the mines by giving so large a space to those that are occupied. The machinery necessary to work a mine will eventually cover a that of Old Spain. With all her system of laws and her arbitrary of the machinery necessary to work a mine will eventually cover a that of Old Spain. With all her system of laws and her arbitrary necessary to work a mine will eventually cover a that of Old Spain. giving so large a space to those that are occupied. The ma-chinery necessary to work a mine will eventually cover a large space; but in the mean time one man may get possession of too much. At this time, men on their rights only stake out twenty feet square, and are satisfied with that. Perhaps it may be advisable, for a year or two, or at least till the next session of Congress, to give one hundred and twenty feet square. It would be difficult to find in the mining four acres which would not take in a great deal o unineral; and on that account we have limited the quantity to be granted to two hundred and ten feet square.

Mr. EWING. Perhaps it may be well to modify the amendment so as to lay out the lot either in a square form, or to let the form be decided by the superintendent or agent of the mines. If it be thought proper to confine the mine wrought by machinery to two hundred and ten square feet, in the direction in which the lode strikes, that may remove all difficulty in getting too much of the gold-bearing rock, and would allow more room on each side, so as to accommodate the necessary machinery and provide for water and other purposes which will be requisite for working the mines. The machinery cannot be erected on the mine itself which is wrought, and they must have a little lateral room. If it be thought better, I am willing to say that the permit should not exceed two hundred and ten square feet for a mine, leaving room for the machinery necessary to work these lode

Mr. BENTON. If I understand the amendment of the Senator from Ohio, his object is to fix the front of the mine upon the water courses, and to diminish the width of the front. Is it so?

Mr. EWING. I do not fix the front at all, but leave it to the discretion of the superintendent or agent of the mines to

adjust it so as to suit the parties.

Mr. BENTON. I should think it would be better to give Mr. BENTON. I should think it would be better to give fixed width for the front. It will be perceived by the bill that the permit authorizes the person who has a permit to change his location whenever he pleases; consequently, if he begins to work in an unprofitable location, he can leave and go to another. In order that there may be safety, and that each may know his own line, I think the form should be fixed. It will be very difficult for the agents to fix these boundaries, granting the land in various forms. But if you have a precise front, the agent can determine whether it shall be fixed on the river, and thereby every party will be able to locate his own permit, which, I suppose, is the design of the bill. I have made these remarks respecting the first amendment. With regard to the second, the same remarks apply, in some degree. The party who has a square acre may change his location whenever he finds it unprofitable. It is hardly to be expected that any one acre will be found which is throughout filled with the quartz gold-bearing rock. If there is a vein or lode across it, it will be very well, and all that may be expected. There must be some place on it where there is no gold, and on this place the machinery can be erected. As for the residences of those who work this rock, I apprehend that all these mines are found in the woods and forests, in which there are waste lands convenient to the places of working, which can be occupied as places for erecting shelters. I would rather be in favor of fixing the quantity, as well in the mines as in the placers, that we may give certainty to those who receive the permits, and each may know when he has worked up to his line, and thus we may avoid confusion. There will be confusion enough, even with the fixed lines; because, if the line passes over a pocket of gold in a placer, there will be a great deal of measuring up and down in order to save even half an inch. I think it will be better to have fixed lines and fixed quantities in every case. Every inconvenience is provided for by the privilege that every person has of removing, when-

ever he finds his location is an unprofitable one. The question was then taken on the amendment, and it was

Mr. EWING. I have another amendment, which is sin ply to make the bill more definite in the fifth section. It is

mines by the purchase of these permits.

Mr. EWING. Oh, no; not at all.

Mr. TURNEY. Then I think it will be necessary to trike out that portion of the bill which authorizes the transfer

of permits.

Mr. EWING. Suppose a person has a permit, and gets sick, or wishes to leave for another place, why not allow him Mr. TURNEY. To whom ?

Mr. EWING. To any American citizen.

Mr. TURNEY. Will any American citizen buy it wh has a right to go and obtain a permit without cost?

Mr. EWING. Certainly; if he finds there is a good gold lead there, he will buy it rather than go and hunt up one for

Mr. GWIN. I would suggest that these transfers should e made only to American citizens.

Mr. EWING. There is a provision in the bill that not

can be given except to American citizens. The question was then taken on the amenda Mr. EWING. I have one other amendment which I pro

pose to offer, and which is more important than those we have acted upon. I have shown it to the Senators from California. I do not know whether they will prefer the bill as it stands, or the amendment. I wish to say a word or two in respect to it before I offer it.

The seventh section of the bill provides:

reasonable extent in such a direction as it strikes. I would, therefore, medify that provision, and leave the matter somewhat under the direction of the superintendent or agent of the mines, whichever may be thought best. I would give, instead of the quantity proposed in the bill, which is about an acre, a space of four acres for a mine, and not require it to be in a square form, but let it be laid out in such a manner as will accommodate the man who wishes to use the machinery near to it.

I would say that has been the system pursued by Spain in I would say that has been the system say that has been the system sa

down a stake within the land he was to occupy as his own, and to work it in any direction, at his pleasure, until some individual came and claimed a mine near him; and then, when another claim was made near, he who had fixed his stake was obliged to define his boundary, so that the individual coming last might know the direction in which his mine might be worked, and what belonged to each. This is a temporary bill, as its title states, to answer a temporary purpose, and I think the amendments I have proposed will answer the purpose for the present; and if they are acceptable to the Senators from California I hope they may be adopted. I propose, therefore, to strike out the words—

"That a permit to work a placer shall be for thirty feet square, and for a mine two hundred and ten feet square; all the lines to be cardinal points,"

And insert—

"That a permit to work a placer shall not cover a space exceeding nine hundred square leet, and for a mine not exceeding four acres, to be surveyed and marked by the agent or superintendent of mines, under the direction of the Secretary of the United States, as well after as before it is taken from the placer or mine, and the gold collected by each person having a permit shall go he im therefore gold or silver coin of the United States, or stamped bullion, or a cretificate entitling the lessee or his assigns to receive, at the mint or assay office of the United States in California, gold or silver coin or stamped bullion, or a draft on the Treasury of the United States, at the rate of sixteen dollars for every ounce of crude gold, with its usual alloy, as taken from the placer or mine. And if any person having a permit shall neglect or refuse to deliver to the square, and for a mine two hundred square est, and for a mine not exceeding four acres, to be surveyed and marked by the agent or superintendent of mines, under the direction of the Secretary of the United States, and would not, in fact, tax the mines one that the property of the United States, and would not, in fact

the United States, and would not, in fact, tax the miner one dollar. On the contrary, it would give him an honest purchase for his gold at the mine where he dug it, giving him the full value of the gold, and at the same time, as I observed,

quantity. However, I will leave these details of the bill to my collesgue.

Mr. FREMONT. I have no objection to the amendment offered by the Senator from Ohio, as respects a change in the form of the placers, since the same amount of surface remains. As it respects the mines, we adopted the size named in the bill on account of the great value of the land, in order to give an opportunity to all people to get possession of some place to work upon. The bill as it stands by its title is a labor and industry. We propose to fill the blanks in the section. trary power, she was never able to make any thing by that system, and I do not think such a system would bring any revenue to the United States. Spain derived seventh-ninths of all her bullion from her mines in America, and she never received more that \$60,000 of revenue from them. This plan would have the effect to make the miners hide the gold, and they never would bring it forward. I think the object of revenue, if that is desired, can be better obtained by putting in a low amount for the permit—say one dollar per month.

Mr. BENTON. The motion which has been made

the Senator from Ohio, and the very objection made to it by the Senator from California brings up the question which I have no doubt has occupied the public mind, and the mind of the members of Congress, and which every body could fore-see would come up in the course of this debate. It is the question whether the United States will undertake to make a question whether the United States will undertake to make a revenue out of the mines. This question is now brought up by the motion on the one side, and the objection on the other; a question which all must have seen would arise, and to the consideration of which the attention of the whole Senate ought to be directed. I am decidedly of the opinion that the United mines; that the United States ought to content herself with getting the wealth out of the bowels of the earth itself, which s now lying so useless; that she ought to content herself with receiving what will pay the expenses of the administr tion of such a system, and that system should be just as sim ple as it can be made, and at the same time preserve order ple as it can be made, and at the same time preserve order among the miners. This is the way which it is to be done as proposed by the Senator from California. He proposes that a fee of one dollar per month shall be given for the permit to the laborer who works a placer by manual labor, and he is to be allowed to take out his permit for as many months as he pleases. Now, supposing there are one hundred thousand persons engaged in this business who take out permits, that would make twelve hundred thousand dollars a year, which would be far above every expense which the United States could incur in administrating the system. It would at the same would be far above every expense which the United States could incur in administering the system. It would at the same time be so light that the laborer would not feel it. Having the privilege of shifting his location just as often as he might desire, he would be almost sure, in the course of time, to find something that would remunerate him for his labor. That is the footing upon which it stands in the bill. The proposal is to change that mode, and take all the gold as the property of the United States. This would involve machinery and expense, a large amount of capital to be put into the hands of agents, the responsibility of agents, and the losses through dishonest persons in that capacity. I do not believe in nations working gold mines at all. I do not believe in nations getting rich by amassing gold. I believe in individuals managing things of this kind, but not nations. I believe the true treasure of every Governgold. I believe in individuals managing things of this kind, but not nations. I believe the true treasure of every Government is the affections of the people, and that the true riches of every nation is the indemnity of the people first, and the wealth afterwards that flows from that industry; that the true policy of every Government is to encourage labor and make the body of the people rich and independent. When this is done the Government is well off, for a Government thus kind and

the Government is well off; for a Government thus kind and just to its citizens will always find those citizens ready to yield up their money or their blood for the preservation of the Government itself. I therefore wholly object to the whole idea of deriving re venue from these nines. I am in favor of the simplest pos-sible mode which will cover the expenses. The Senator from California mentioned the sum of one dollar as the price to be paid per month for a permit. Perhaps the section containing this provision should be perfected before the question is taken on striking it out. The machinery proposed by the Senator from Ohio would be very had to manage in a wide extent of country, where the agent must have gold and silver to a great amount in his possession to enable him to buy up all the gold, as the gold is now coming to the United States at the rate of two millions of dollars per month. The agent must have a great amount of capital in hand to meet this demand as it great amount of capital in hand to meet this demand as it the reason gold will not bring more than \$16 an ounce in California is, because the custom-house imposes a double tax upon us. The officers of the United States there will not be receive the bullion in payment for duties. Coined zoney

it shall thereby become void, as no one can have two permits at the same time."

It seems to me that makes definite what was originally intended.

Mr. TURNEY. I would inquire whether, by the provisions of the bill, any person going to California can apply for and obtain a permit?

Mr. EWING. Any American citizen can.

Mr. TURNEY. Then, if any American citizen can do it, and it be the policy to prevent the negotiability of the permits, I apprehend the only mode of doing that will be to deny the right of any transfer whatever. For it is not to be supposed that any American citizen, having the right to apply for and obtain a permit without cost, would go and purchase one from an individual who held it. I think, too, that by this mode of operations the effect will be to allow foreigners to come into

I think this system should be as little trammelled as possible; that we should not give up the idea of permits; but that for a small sum, for the purpose of defraying the expense, and not for revenue, every man should have the privilege of taking a placer. And I am certain every laborer would be glad to pay the small amount of one dollar per month for the sake of having security in the working of the thirty square feet to which he would be entitled. But even that small amount would swell up so as to give the United States a considerable sum over and above all gracenses.

sum over and above all expenses.

Mr. FREMONT. Before the question is taken on the motion of the Senator from Ohio, I will propose to fill the blanks in the section which he has moved to strike out. I will move to fill the blank in the fourth line with the word "one," so as to make the amount to be said month working a placer by manual labor one dollar, and to "twenty-five" in the blank in the sixth line.

The question was then taken on the first amen

The question was then taken on she have amendment, and it was agreed to,
Mr. BENTON. I would inquire whether the amendment proposed by the Senator from Ohio does not leave indeterminate the amount of land to be granted for a mine?
Mr. EWING. The quantity is not to exceed four acres.
Mr. BENTON. And that to be in a square form?
Mr. EWING. To be laid out under the direction of the

Mr. EWING. To be laid out under the direction of the agent or superintendent of the mines.

Mr. BENTON. I cannot say how much I think should be paid for a permit of that kind; I think, though, it should be a good many times twenty five dollars; I am against that amendment, an amendment allowing four acress for a mine, to be laid out as the agent pleases. Twenty-five dollars would not bear any proportion to the amount paid for working a placer. It should be more than one hundred dollars. I therefore move to fill the blank with \$400, as the basis of the grant of a parmit to work four acres.

of a permit to work four acres.

Mr. GWIN. That is entirely too high a sum. This will be an enormous price, for they will have to run the risk of making the explorations and diggings first to see whether there is gold where they propose to locate or not. The expense of carrying machinery there is very great, and then there will be a great expense in putting it up and getting into operation; and, if an individual or company have to pay this price in addition, and then fail to find gold, it will be a ruinous business.

business.

Mr. DAVIS, of Mississippi. If I understand the proposition there is no obligation laid upon the miner. If the location that he fixes upon is rich, the sum proposed is not too much, and if it is not rich he will not work it, and of course

an ounce is the highest price paid for gold in California now.

That is what it commands at San Francisco. It does not command that sum at the mines, but it must be carried to San Francisco to get that. But if we take it for sixteen dollars an ounce, and it is worth eighteen dollars an ounce, we receive rent and seniorage of two dollars for every ounce of gold that is dug, and we do it without putting any burden upon the digger, if he will give it up. And there is a stringent provision in the bill which will induce him to give it up, and a stronger inducement in the fact that he will obtain a good purchaser at the mines, who will pay him as much for link of the mines who will not be adopted.

doubtful character, operating in so me cases to the exclusion of Americans. It is very doubtful whether the sert of foreigners who flock into California will be received into the country. All our American population are entirely-opposed to the working of the mines by foreigners. The people of the country and the Legislature have clearly a xpressed their opinion on the subject. Under the circumstances, I hope the amendment will not be adopted.

Mr. EWING. I shall vote against this amendment for several reasons. This foreign population that finds its way could be a captured by the country and the Legislature have clearly a xpressed their opinion on the subject. Under the circumstances, I have a captured by the several manufactured by the exclusion of the exc and a stronger inducement in the fact that he will obtain a good purchaser at the mines, who will pay him as much for his gold as he could get at San Francisco, unless some individuals should come into competition, which is not probable, because we are in the market. If the miners refuse to give up the gold, they will be considered trespassers on the land, and forfeit the gold. I think there will be no competition—that no man would think it worth while to offer sixteen dollars and an average to induce the miner to call his gold to him. an ounce is all the miner will get during the existence of this temporary bill; and whatever he pays for permission to work the placer, is certainly so much lost to him. By the other process which I propose, we should get about two millions of dollars a year, or for the coming year, if individuals digging the gold surreader it, as there would be every inducement for them to do; because they would get more for it, and a more reliable purchaser than they could have any where else.

This provision does not tax the laborer. I think the Senator of the senator trends as shall prevent men coming in collision with each other, I think we ought to confine the granting of these permits to citizens of the United States, whether native or naturalized. I think, then, that none but American citizens should re ceive the benefits of this great boon.

Mr. GWIN. I appeal to the Sen ate to take a vote. This is our last day for California busin as. If we cannot get through this bill we cannot reach an other bill, which is necessary to give peace to California and prevent eivil war. I have the pays for permission to work the granting of these permits to citizens of the United States, whether native or naturalized. I think, then, that none but American citizens should re ceive the benefits of this great boon.

Mr. GWIN. I appeal to the Sen ate to take a vote. This is our last day for California busin as. If we cannot get through this bill we cannot reach an other bill, which is necessary to give peace to California and prevent even the pays for permits to coming in collision with each other, I think the sense than the pays for permits to coming in collisions of the permits to coming in collisions of the permits to coming in collisions of the permits t

the laborer, for the product of his labor, all that he could get if we let him alone; and instead of charging him a dollar a month for a placer, or twenty-five dollars a month for a mine, we charge him nothing. Now, Mr. President, it has been said that this will require a great deal of machinery. I think the twelve agents whom it is proposed to appoint will be amply sufficient to carry on all the machinery; to receive the amply sufficient to carry on all the machinery; to receive the gold, and transmit it to San Francisco, to be put into the bands of the assayer, or to be disposed of as the Government of the United States may think fit. It is, however, a question as to what will be the policy of the United States with respect to these mines; for if it is their policy to get no income from them at all—if it is their policy and their purpose to let individuals or companies have them to work, and receive nothing, I do not think it is worth while to insert this provision. This is the question now: Which will be the policy of the United States if it be their policy to have an income from these mines, now is the time to lay the foundation for it. If you bowels of the earth. mines, now is the time to lay the foundation for it. If you wait until the business becomes regular there, until men can get in the mines the actual value of the gold which they dig there, till they can get eighteen dollars an ounce, when you come to offer them sixteen dollars they will be dissatisfied; they will not agree to the carrying out of any plan for revenue, which may be adopted now with no difficulty. There can be no difficulty now, for they will receive the full value of their gold, and we shall make our rent and seniorage out of the profits which would be made by the speculator in gold. There will be no inconvenience arising out of it for this temporary period for which this bill is proposed. But if you permit this period to pass over, and business becomes regular, and gold worth eighteen dollars an ounce instead of sixteen, you cannot collect that kind of rent; you will encounter pre-cisely the same difficulty which has been heretofore encoun-tered in attempting to collect it.

Spain did not adopt this system. She had such a portion

gold or silver extracted from the mines; but she did not buy the crude gold or silver from the miner and pay him the market price for it, and rely upon the profit of the senior age for rents. That was the cause of the difficulty of collect ing the gold when the actual value was not paid. There was another difficulty that Spain encountered. She gave the miners no coinfor currency; and they were compelled to sell their metal, and thus violate the law for the want of it. That

miners no coinfor currency; and they were compelled to sell their metal, and thus violate the law for the want of it. That was the opinion of eminent Spanish writers, who declared that the difficulty would have been removed, and she would have been able to collect her seniorage, had the coin been given in exchange for the gold at a little less than its market value.

Mr. FREMONT. I certainly did not intend to say that the particular form of amendment proposed by the honorable Senator from Ohio was part of the Spanish system. I meant only to say that in the heavy tax it imposed it resembled the Spanish system, and that we ought to look to the commerce of California for increased revenue to the United States, and not to the gold. The bill contemplates that the United States shall derive only revenue enough to carry on the system proposed by the bill in that country. I said that the amendment resembled the Spanish system in the heavy tax which it laid upon the people. Spani taxed every thing. The tax upon the mines was a part of her general system. She taxed all agricultural products. Every thing that came from the earth was taxed by her when it was not monopolized by her. The one-tenth part of the agricultural products of the senator from the smendment will be rejected.

Mr. GWIN. But we do not want them at all. I kope the amendment will be rejected.

Mr. BENTGN. The question now is on the amendment of the Senator from New York. On that I have a word or two to say. There is an evil which it is designed to remedy. That evil is the influx of persons into California from the Spanish. American States, and the South Sea Islands. The remedy proposed cuts off all emigrants who are not from Europea. I should prefer to have it "emigrants who are not from Europea. I should prefer to have it "emigrants who are not from Europea. I should prefer to have it "emigrants who are not from Europea. I should prefer to have it "emigrants who are not from Europea. I should prefer to have it is the senator from Wisconsin, (Mr. Walking. was taxed by her when it was not monopolized by her. The one-tenth part of the agricultural products or the one-tenth part of the gold was paid to Spain. I said that, able to investigate the subject, more than \$60,000 per annum from her gold mines. I have opposed this amendment because I believe that this system would not be acceptable to the people; because they would conceal their gold, and thus deprive the Government of the revenue sought to be obtained. I would suggest to the honorable Senator from Ohio that the reason gold will not bring more than \$16 an ounce in the reason gold will not bring more than \$ "That permits are not assignable; but after a permit has been located and an operation commenced, the same may be sold; but if a lid to a person having a permit, it becomes merged in the other, and no person can have two permits at the same time, it being for the public interest to avoid monopolies."

Now, it is not very obvious here which permit is forfeited. I would propose to amend it as follows:

"Permits at large shall not be assignable; but after a permit is located and operations commenced, the same may be transferred by assignment in the presence of an agent or by defivery of possession; but if the assignee have a prior permit,

Mr. GWIN. I think the bonorable Senator from Ohio is mistaken. I think that when we get an assay office in California—and provision is made for one in the civil and diplomatic bill—gold will go up to \$17.50 an ounce. I have evidence before me from gentlemen engaged in the business there, who say it will go up to \$17.50 per ounce if an assay office is astablished there.

Mr. DAWSON asked for the reading of the amendment as amended, and it was read, as follows:

"And to persons from Europe who shall produce testimonists of good character, to be judged of by some judicial officer of the United States or of the State of California, and who shall there, who say it will go up to \$17.50 per ounce if an assay office is astablished there. mistaken. I think that when we get an assay office in California—and provision is made for one in the civil and diplomatic bill—gold will go up to \$17.50 an ounce. I have evidence before me from gentlemen engaged in the business there, who say it will go up to \$17.50 per ounce if an assay office is established there.

office is established there.

The question being taken, by year and nays, on the amenent, resulted:

ment, resulted:
YEAS—Messrs. Bell, Dawson, Dayton, Ewing, Hunter, Norris, Pearee, Smith, Spruance, Tarney, Underwood, and Wales—F2.
NAYS—Messrs. Atchison, Benton, Cass, Chase, Cooper, Davis, of Mississippi, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Downs, Felch, Foote, Fremont, Gwin, Hale, Houston, Jones, Rusk, Seward, Shields, Souke, Sturgeon, Walker, and Winthrop—24.
So the amendment was rejected.
Mr. SEWARD. I move to amend the bill by adding after the word "citizen," in the second section, the words "card

Mr. SEWARD. I move to amend the bill by adding after the word "citizen," in the second section, the words "and persons who shall have in pursuance of law duclared their intention to become such," so as to make the section read:

"That the said agents, each within his district, shall have authority to grant permits to American citizens [and persons who shall, in pursuance of law, have declared their intention to become such] to work the placers on public land by manual labor, and also to work by mining and quarrying the mineral lodes or veins occurring in the work, by machinery driven by horse, steam, or water power, and every permit shall specify for which kind of mining it is granted."

I discover that this bill contemplates a restraining of its

the first place, to bring to the general public use of the people of the United States the largest possible acquisition of national wealth from their newly-discovered fountains; and, secondly, to render the mining operations conducive to the best and speedlest possible settlement of our vast countries on the Pacific coast, which are so soon to exercise boundless commercial, socials, and political infinences over the castern works. Pacific coast, which are so soon to exercise boundless commercial, socials, and political infidences over the eastern world.
The pecuniary wealth and the political power thus to be obtained will be obtained just in proposition to the number and
assiduity of the persons who shall be and aged in working the
mines of California. That number and that assiduity will be
in exact preportion to the liberality of the terms upon which
the mines are opened. It was on this ground that I voted
against the proposition of my honorable friend from Ohio,
(Mr. Ewins,) which contemplated seniorage and revenue
to the Government from these mines, and in favor of the
provision contained in the bill which stipulates for nothing
in the way of revenue, but enough to pay the expenses
of regulating the operations in the mines. Moreover,
distinctions between races and castes and vices in every
constitution of government; and I venture to say, that

Mr. DAVIS, of Mississippi. If I understand the proposition there is no obligation laid upon the miner. If the loss tion that he fixes upon is rich, the sum proposed is not too much, and if it is not rich he will not work it, and of course will not be obliged to pay the sum.

The question was then taken on the amendment proposing to fill the blank in the permit granting four acres for a mine with the sum of \$400, and it was agreed to.

The PRESIDING OFFICER. The question recurs on the motion made by the Senator from Ohio to strike out the seventh section and insert his amendment.

Mr. EWING. The amendment that I propose is to change the system, so that instead of charging a given sum for permission to work a placer, the individual working it is required to deliver his gold, when dug, to the agent of the United States, for which he is to receive sixteen dollars an ounce, either in gold or silver coin, or in ingots stamped by the assayer of the United States. In order to have this perfectly understood by the Senate, I wish them to remember that sixteen dollars an ounce is the highest price paid for gold in California now. That is what it commands at San Francisco. It does not command that sum at the mines, but it must be carried to San Francisco to get that. But if we take it for sixteen dollars. All our American population are a tirely opposed to the work. All our American population are at tirely opposed to the work. All our American population are at tirely opposed to the work.

several reasons. This foreign popt slation that finds its way into California is a totally different p opulation from that which good purchaser at the mines, who will pay him as much for his gold as he could get at San Francisco, unless some individuals should come into competition, which is not probable, because we are in the market. If the miners refuse to give up the gold, they will be considered trespassers on the land, and forfeit the gold. I think there will be no competition—that no man would think it worth while to offer sixteen dollars and a quarter to induce the miner to sell his gold to him. But certain it is, if we do not pass this law, sixteen dollars an ounce is all the miner will get during the existence of this temporary bill; and whatever he pays for permission to work the placer, is certainly so much lost to him. By the other process which I propose, we should get about two militions of dollars a year, or for the coming year, if individuals digging

Mr. DODGE, of lowe, moved to amend the amenda by inserting "from Europe," so as to make it read, "And persons [trom Europe] who shall have in pursu of law declared their intention to been me such." Mr. DODGE, of lows. I will say but a very few w

bowels of the earth.
I have offered this amendment because I think the I [exi-

cans are a miserable people, who should be excluded from

Mr. FOOTE. I wish to make a suggestion as mendment which will, I trust, be accepted. I should like amendment which will, I trust, be accepted. I should I like this amendment, to require these persons to bring satisf actory testimonials of good character to some judicial officer in the country. I am told that a number of persons that are coming into California are British convicts from New Hollar d and elsewhere. I think these persons ought not to be enco uraged to come to California. If this suggestion is not accepted, I shall offer it as an amendment subsequently.

Mr. GWIN. The State of California, in her const itution,

has made the most liberal provisions for foreigners. They

Mr. DODGE, of Iowa. The amendment is so broad that

I fear it would never be complied with. I would like to do in this matter whatever the Senators from California desire, tenth part of the gold was paid to Spain. I said that, with all her arbitrary power, with her extended system of laws on this subject, she never derived, so far as I have been able to investigate the subject, more than \$60,900 per annum from her gold mines. I have opposed this amendment be-

Mr. DODGE Twin accept the incanciation to insert the words "of good character from Europa."

Mr. CHASE. The naturalization laws require that already.

Mr. DODGE Yes; I believe a foreigner is required to establish bis good character now, when he declares his inten-Mr. CHASE. That is already in the law.

The question was then taken on the amendment to the araendment, and it was adopted on a division: Ayes 17,

Goes not counted.

The question recurred on the amendment as amended.

Mr. SEWARD called for the year and nays, and they

Mr. DAWSON. I will merely remark that persons fro Canada and the other British North American Provinces can

Canada and the other British North American Provinces cannot go there under that amendment.

The yeas and nays were then taken, and resulted:
YEAS—Messrs. Bell, Benton, Bright, Cooper, Davis, of Mississippi, Dayton, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Downs, Ewing, Felch, Foote, Hale, Houston, Jones, Norris, Seward, Shields, Smith, Soule, and Walker—21.

NAYS—Messrs. Atchison, Badger, Berrien, Clarke, Davis, of Massschusetts, Dawson, Fremont, Greene, Gwin, Hunter, King, Morton, Pearce, Sebastian, Spruance, Underwood, Wales, and Winthrop—18.

So the amendment as amended was adopted and the whole

So the smendment as smended was adopted, and the

Mr. SEWARD. I move to amend the bill by adding after the word "citizen," in the second section, the words "and persons who shall have in pursuance of law daclared their intention to become such," so as to make the section read:

"That the said agents, each within his district, shall have suthority to grant permits to American citizens [and persons who shall, in pursuance of law, have declared their intention to become such] to work the placers on public land by manual labor, and also to work by mining and quarrying the mineral lodes or veins occurring in the work, by machinery driven by horse, steam, or water power, and every permit shall specify for which kind of mining it is granted."

I discover that this bill contemplates a restraining of its benefits to American citizens. The amendment I offer proposes to extend them to those who shall have declared their intentions to become citizens, in the manner prescribed by law.

At this late stage of the session there is no time for discussing the principle involved in the bill for disgosing of the public domain in Oregon, which was recently passed. I gave my reasons for adopting it on that occasion.

I will add now only this, that the objects of the United States in regard to the gold mines in California should be, in the first place, to bring to the general public use of the people of the United States the largest non-sible agents in organic of the united States are about to get money from these but the United States the largest non-sible agents in organic of the sural-restriction to become citizens, to be industrict, and to persons from Europe who shall produce testimonials of good character, to be judged of by some judicial officer of the United States are adout to gent money from these the largest of the section now reads:

"Sec. 2. And be it further enacted.

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"Sec. 2. And be it further enacted.

That the said spents, and to persons from Europe who shall produce testimonials of good character, to be judged of by some judicia

Five per cent. is new allowed to new States on the sale of public lands. If these lands were to be sold that amount would go to the State of California under the existing law; but the United States are about to get money from these lands, not by selling; but by leasing them, and it is equally fair that the State should get that amount out of the sum.

Mr. FREMONT. I have another amendment to offer.

"Sec. 15. Be it enacted; &c. That the provisions of this act, to far as they apply to the working of mines by machinery, be extended to mines of silver and quickeilver."

The amendment was adopted.

Mr. GWIN. I have an amendment which I wish to offer One of the greatest objections I have to this bill is the number of agents to be appointed by the President. I will move to amend the bill by adding "with the advice and consent of the Senate" after the word "President," in the fourth line of

Mr. SHIELDS. How many agents are there to be?
Mr. GWIN. The bill provides that twelve shall be ap-

ointed by the President.

The amendment was agreed to.

Mr. GWIN. There is another amendment which I wish to make. The salaries of these agents are fixed at \$2,000 a year and five per cent. on the amount collected, and it is provided that they shall not be concerned in working any placer or mine. Now I think that an unjust exclusion. The compensation is not such as will justify any man in accepting office if he has another occupation or interest. I do not think it will have any effect on his agency that he should have the privilege of being interested in the mines, and I think that restriction ought to be stricken out. I therefore move to amend the bill by striking out the fourth and fifth lines in the

mth section.

Mr. BENTON. I think it is of the highest moment that this agent who is to settle all questions arising between other miners shall himself not only be free from all interest in the questions, but be in a condition to give his whole time to the public service, and if the compensation allowed is not sufficient, I would be willing to increase it by direct compensation, instead of allowing him to take time for other purposes. It will take all his time, and here I would ask whether or not these agents are allowed mileage for travelling within their districts.

Mr. GWIN. No, sir.
Mr. BENTON. Then I think it ought to be, and before the question is taken on the amendment of the Senator from California, I will ask to be allowed to submit an amendment o that effect Mr. GWIN. I will withdraw my amendment for that

Mr. BENTON. I move, then, to insert after the 3d and 4th lines the following:
"And be allowed ten cents a mile for their necessary tra

elling within their respective districts."

Mr. JONES. How many agents are there to be?

The PRESIDENT. There are to be twelve, but that i

different part of the bill.

Mr. SHIELDS. I would suggest that the number

agents ought to be reduced.

Mr. ATCHISON. I would like to have an e the probable amount of salary that these agents will get. I know it is difficult to give an accurate estimate, but I have nearly \$5,000 a year each for the per centage on the amount collected, and I suppose they can make the other \$5,000 in travelling expenses, which will give them \$10,000 a year. Now, I prefer giving them a salary, say \$6,000 or \$7,000, to \$120,000. I prefer a fixed salary to the fibating salary made up of per centage and mileage. I shall therefore move, if this amendment does not prevail, that their salaries be fixed

at \$10,000 each.

Mr. BENTON. I think there is reason in the sugge of my colleague. I think there ought to be a line taken the amount receivable both for per centage and mileage. I know something about this matter. If the agent is a good horseman, he will travel too much and receive unreasonable compensation. If, on the contrary, he is a bad horseman, and likes to remain quiet and take his ease, he will not go about. I am in favor of giving them some mileage, but I would limit the amount. I would limit the amount per centage they shall receive to \$4,000 a year and the mileage to \$1,000,

making \$5,000 in all.

The PRESIDENT. The question now is on the amendment to give the agents mileage at the rate of ten cents per

Mr. BENTON modified his amendment by adding theret 'not to exceed \$1,000 a year."

The smendment was carried on a division, ayes 25, no

Mr. SHIELDS. I will now move to reduce the numb agents to six. I think twelve quite too large a number.

Mr. BENTON. Consider the extent of country over which they have to operate.

The amendment was adopted.

Mr. FELCH. I wish then to ascertain, as this merely temporary provision is to connect itself very intimately with the disposition of the public lands, a question of vast impor-tance, and in this particular instance of California of more importance than ever heretofore—what the particular evil is which this bill is intended to remedy. I understand that those

can hold property there; they can sell previsions at the mines, it you do not the pass the original provision of the bill, you will introduce there amendment of the Senator from New York, Mexic ans with their peons will come there and dig gold and go back to their own country with the spoils. We know nothing of their institutions; but we know that one man gets all the gold.

Mr. WALKER. Make them all free when they get there Mr. GWIN. But we do not want them at all. I hope the amendment will be rejected.

They which this bill is intended to remedy? I understand that those who work the mines have had no difficulty with our Government; every body goes in and occupies where he pleases. I who who the know whether this bill is merely for the purpose of regulating and keeping harmony and peace among the men who work the mines and placers themselves, or whether it is intended to go beyond that? I understond the those which ment; every body goes in and occupies where he pleases. I wish to know whether this bill is intended to remedy? I understand that those who who when the mines have had no difficulty with our Government; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who wwich the mines have had no cupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who which ment; every body goes in and occupies where he pleases. I who who whether this bill is intended to go bydy goes adopting here a principle which is objectionable, and I should like to state my reasons for thinking so if I had time. SEVERAL SENATORS. Go on now.

Mr. BENTON. The bill came up to-day for the sime, and as it is now about to be reported to the Senate, think there can be no harm if we consider it till to-morrow and then act on it. The Senate then took a recess till six o'clock.

WEDNESDAY, SEPTEMBER 25, 1850. The Senate resumed the consideration of the special or of the day, being "A bill to make temporary provision the discovery and working of gold mines in the State

Mr. FELCH. I have an amendment to offer to the bill t is to strike out all after the enacting clause and insert wh send to the chair.

The SECRETARY read the amendment as follows:

The Secreman read the amendment as follows:

"Whenever any person, being an American citizen, or who shall have declared his intentions, in pursuance of law, to become such, shall desire to work any placer on the public lands in California, by manual labor, or to work, by mining and quarrying, the mineral lands or veins occurring in the rock on any such lands, by machinery driven by horse, steam, or water power, it shall be lawful for him to take possession of and work the same in the manner hereina ter provided.

"See. 2. And beit further endeted, That the land to be allowed to each person for the working of such placer shall sover a space of thirty feet square, and for a mine not exceeding two hundred and ten feet square, all the lines to the cardinal points; and the person selecting such placer or mine shall, before acquiring any rights therein under this act, designate the same by marking the lines thereof, and placing the necessary and proper monuments to limit and define the same in the presence of two witnesses, which shall give to such person a right to the possession of the place he shall so select, so long as he shall continue to work the same in good faith, and no longer; and no individual or company shall have more than one ruch possession at the same time.

"See. 3. And be it further enacted, That, on the abandonment of any such place, it may be taken possession of in like manner by another person; and an abandonment shall result from eessation to work, or to work in good faith, or from commencing work at snother place: Provided, That temporary slekness or death shall not be considered an abandonment. And, in the case of death, the person having the right to take charge of the effects of the deceased may take possession of the place worked by the deceased as part of his effects; and in all cases

other, and no person can have two such possessions at the same time.

"Sec. 5. And be it further enacted, That the right to possess and work such placers and mines, and to take mineral therefrom, shall be exclusive in the person entitled theretounder this act; and he may defend his said right and possession at all times and against all persons, by suit at law, or in other lawful manner; but such rights shall at all times be subject to be terminated by an act of Congress."

After some debate, the question was taken, and the amendment was not adopted.

The bill was then reported to the Senate, and the question was taken upon concurring in the several amendments which

was taken upon concurring in the several amendments which had been made in Committee of the Whole collectively, with the exception of the amendment offered by the Senator from Ohio, and adopted in the third section of the bill, and they were concurred in.

Mr. FREMONT. I now desire to amend the third section by adding to the end of it the following:

"Provided, That the right of way to water courses and the free use of water be allowed to all persons."

The amendment was agreed to
Mr. FREMONT. There was a blank in the bill in rela-

Mr. FREMONT. There was a blank in the bill in relation to the amount to be charged per month for a permit to work a mine. That blank has been filled with \$400. That was inserted when an amendment of the honorable Senator from Ohio was under consideration, including four times the quantity of land within a permit that is now included. I therefore move to strike out "400," so that we can insert "25," or whatever sum may suit the Senate.

Mr. BENTON. Four hundred was proposed when the quantity of land for a mine was proposed to be four acres. It has now been reduced to one acre. I propose to keep up exactly the proportion between the placer and the mine. A permit to work a placer is one dollar a month for 900 square feet. A square acre of 2 20 feet is 44; 100 square feet. If it was 45,000, it would be exactly fifty times the area of a placer. But I will suppose it to be fifty times. I therefore propose to fill the blank with fifty, so as to make a permit for a mine \$50 a month.

The motion to fill it with 50 was adopted.

The bill was passed.

The bill was passed.

THE LAST DAY OF THE SESSION.

Monday, September 30, 1850.

IN SENATE.

Mr. WALKER. In consequence of an unfortunate error in engrossing and enrolling what is called the bounty land bills, it becomes necessary this morning to pass an explanatory act. I therefore ask unanimous consent to introduce an act supplementary to an act entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States."

Unanimous consent to introduce the bill was granted, and

Unanimous consent to introduce the bill was granted, and it was read a first and second time and considered as in Gom-

nittee of the Whole.

Mr. WALKER. The bill as it finally passed provided Mr. WALKER. The bill as it finally passed provided that no warrant should be assignable prior to the issue of the patent. In engrossing and enrolling the bill the words "of the patent" were left out; so that these warrants will be assignable. This supplementary bill is only to correct that error. It provides that the act shall be construed as if the words "of the patent" were inserted after the word "issue." That is all. There will be no sense in the section if this amendment is not reade.

That is all. There will be no some in amendment is not made.

After a conversation, in which several Senators took past, the bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time REPORTS FROM COMMITTEES.

Mr. DAVIS, of Mississippi, from the Committee on Mili-tary Affairs, asked to be discharged from the further consider-ation of all memorials and from other business not acted on

by said committee.

And from the same committee, to which had been referred the resolution of the Senate on the subject of conferring the brevet rank of Lieutenant General on Major General Winfield Scott, reported the following resolution, which was agreed to:

Resolved; That the President of the United States be and is requested to refer to an army board of officers, to be designated by him, the following questions, viz:

Is it expedient or necessary to provide for additional grades of commissioned officers in the army of the United States? and if so, what grades, in addition to the present organization, should be created?

What provisions are necessary to authorize officers of the army to exercise civil functions in emergencies to be enumerated? and what restraints are expedient to prevent such officers from usurping the powers of civil functionaries?

On motion by Mr. SEWARD, the Senate proceeded to the consideration of Executive business, and remained therein

the consideration of Executive business, and rem until two minutes to twelve o'clock.

until two minutes to twelve o'clock.

When the doors were re-opened the President of the Senate was delivering his final address, in response to the following resolution, which was unanimously adopted:

Resolved unanimously, That the thanks of the Senate are due, and are hereby tendered, to the honorable William R. King, for the ability, dignity, and impartiality with which he has perfeemed the duties of President of the Senate pro tem.

Mr. KING. President are tem addressed the Senate pro tem. follows:

Mr. KING, President pro tem., addressed the Senate as follows:

Senators: Our protracted session is about to close. The causes which have led to its unusual extension were of a character well calculated to produce an excited state of feeling, and occasionally to lead to altercations of a very unpleasant character. Whether the action of Congress will allay that excitement, restore harmony, and bring about a better state of feeling in the country, remains to be seen. As an American citizen, devotedly attached to the institutions of my country, I sincerely hope they may, and I trust that the dangers with which we have been threatened will serve as a warning to all future Congresses to deal justly by every section, and to respect the constitutional rights of all, if they would ensure the permanency of our Union. In discharging the duties imposed upon me as your presiding officer, I may, in the opinion of some, have been too strict in the enforcement of the rules adopted for the government of this body. Should this be the case, I can only say that it gives me no pleasure to exercise authority, and I have only been led to do so when the occasion called for it by an imperious sense of duty to the Senate, over which your kindness has called me to preside. In taking leave of you, Senators, I can but express my grateful sense of the kindness and contents with which I have priferants. leave of you, Senators, I can but express my grateful sense of the kindness and courtesy with which I have uniformly been treated. I wish you all a safe return to your respective

He then proclaimed that the Senate was adjourned sine die.

HOUSE OF REPRESENTATIVES. Several unsuccessful motions were made to take up various

private bills; when

Mr. BAYLY moved that a committee be appointed to
wait on the President of the United States to inquire whether
he had any further communication to make to Congress;
which motion was agreed to.

And thereupon the SPEAKER appointed Mesers. BAYLY. Vinton, and Outlaw as said comm

BOUNTY MAND BILL. MILLER asked the unanimous consent of the House to take up the bill of the Senate explanatory of an act entitled "An act granting bounty lands to certain officers and soldiers." who have been engaged in the military service of the United

Mr. WENTWORTH objected. Mr. MILLER moved a suspension of the rules.

Mr. COBB, of Alabama, hoped the motion would not be agreed to. The original bill was just such as its friends wanted.

The reading of the bill was called for.

The SPEAKER stated that it could only be done by unar mous consent.

Mr. COBB, of Alabama, objected.

The motion of Mr. Millen to suspend the rules to take up the bill was then disagreed to.

Mr. MASON asked that the bill be read.

Mr. MASON asked that the bill be sead.

The SPEAKER stated that he understood that the bill was to correct an error committed in the omission of a word in engrossing the bill. If the House consented to the reading of it, they would see the propriety of its passage.

Mr. PRESTON KING renewed the motion that the rules be suspended, so as to enable him to move that the bill be put on its passage, and asked for the reading of the bill.

Mr. WENTWORTH objected to its reading.

The SPEAKER ordered the bill to be read, and it was accordingly read.

ordingly read.

Mr. CUBB, of Alabama, demanded the yeas and nays or

Mr. COBB, of Alabama, demanded the yeas and nays on the motion to suspend; which were ordered.

Mr. WENTWORTH rose to a question of privilege; that the doorkeeper should enforce the rules of the House; there were too many speculators in land warrants present on the floor, where they had no right to come.

The SPEAKER stated that the doorkeepers had been directed to enforce the role.

rected to enforce the rule.

The Clerk then commenced the calling of the roll on the

The Clerk then commenced the calling of the roll on the motion to suspend, when—

Mr. BAYLY, from the committee appointed by the House to wait on the President of the United States, to inquire whether he had any further communications to make to Congress, reported that the committee had discharged its duty, and that the President had requested them to inform the House that he had no further communication to make.

The Clerk then continued the call of the roll on the motion to suspend the rules, and having proceeded as far as the name of the honorable John A. Kina—

The SPEAKER rose and said that the hour fixed (12 o'clock meridian) for the adjurnment of the present session of Con-

meridian) for the adjournment of the present session of Con-gress by joint resolution of the two Houses having arrived, he now declared that the House stood adjourned sine die.

And the House accordingly adjourned.